

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

:

- v -

:

D E C L A R A T I O N

RAHIM FRAZIER,

:

07 Cr. 686 (CM)

:

- - - - - x

I, **Rahim Frazier**, hereby declare under the penalties of perjury, pursuant to 28 U.S.C. § 1746, that:

1. I am the defendant in this criminal action, and make this Declaration in support of a motion to suppress physical evidence and statements obtained from me in violation of the Fourth Amendment to the United States Constitution.

2. The statements contained in this Declaration are made based on my best recollection of the events described. However, because the purpose of this Declaration is to establish that my rights were violated, I have not included every detail of what occurred.

3. On the morning of April 8, 2007, I was walking down the stairs in the building where I lived, 2675 Valentine Avenue.

4. On the stairs, I encountered some police officers.

5. I was carrying a laundry bag at the time.

6. The officers took me to the third-floor landing, searched my laundry bag, and found a gun.

7. I did not give the officers permission to search my bag.

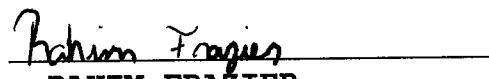
8. The officers then arrested me for possessing the gun.

9. Subsequently, I made oral, written and videotaped statements admitting that I had possessed the gun.

10. My attorney has advised me that, by patting me down without cause, the officers violated my rights under the Fourth Amendment to the United States Constitution and that, consequently, the physical evidence and statements obtained from me on that date should be suppressed.

WHEREFORE, it is respectfully requested that this Court enter an order suppressing the physical evidence and statements obtained from me or, in the alternative, granting a hearing on this motion.

Dated: New York, New York
September 6, 2007


RAHIM FRAZIER